

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

CHICAGO TITLE INSURANCE COMPANY,	)	LEAD CASE NO. 1:10-cv-00167
	)	Consolidated Case No. 1:10-cv-00183
Plaintiff,	)	
	)	Judge Timothy S. Black
vs.	)	
	)	
TRI-STATE TITLE, LLC, <i>et al.</i>	)	
	)	
Defendants.	)	

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FIFTH THIRD MORTGAGE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
CHICAGO TITLE INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

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**PLAINTIFF FIFTH THIRD MORTGAGE COMPANY AND  
DEFENDANT/THIRD-PARTY PLAINTIFF CHICAGO TITLE  
INSURANCE COMPANY'S CONSENT FINAL JUDGMENT ENTRY**

Plaintiff Fifth Third Mortgage Company ("Fifth Third") and Defendant/Third-Party Plaintiff Chicago Title Insurance Company ("Chicago Title") (jointly the "Parties") hereby agree and stipulate to the entry of this Consent Final Judgment Entry in the case captioned *Fifth Third Mortgage Company v. Chicago Title Insurance Company* (Case No. 1:10-cv-00167).

- (1) On December 17, 2010, this Court entered an order granting Fifth Third's motion for summary judgment in its entirety. [Doc. No. 42 (the "Order").] In the Order, the Court found Chicago Title liable to Fifth Third on Fifth

Third's claims for breach of contract, declaratory judgment, and bad faith. The Court also dismissed Chicago Title's counterclaims against Fifth Third for rescission and declaratory judgment. The Order did not contain any ruling regarding the amount of Fifth Third's damages; and

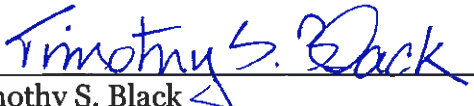
- (2) As a result, the only remaining issue in the dispute between Fifth Third and Chicago Title is the amount of Fifth Third's damages; and
- (3) Fifth Third's total damages for all its claims are \$800,000.00;
- (4) Chicago Title disagrees with and objects to the Court's rulings in the Order; and
- (5) Chicago Title agrees to this Consent Final Judgment Entry for the sole purpose of expediting its right of appeal and the parties agree that by consenting to this judgment that neither party has waived its right to appeal any issue and all appellate issues are expressly preserved; and

NOW, THEREFORE, a final judgment is hereby entered as follows:

- A. Judgment in the amount of \$800,000.00 is hereby awarded in favor of Fifth Third against Chicago Title. Notwithstanding 28 U.S.C. §1961, this judgment shall bear interest at the rate of 4% per annum from 12/17/2010. Any execution or collection on the judgment is hereby stayed, without the posting of bond, until all appeals between Fifth Third and Chicago Title have been finalized.
- B. This Consent Final Judgment Entry resolves all of Fifth Third's and Chicago Title's claims against each other. Under Federal Rule of Civil Procedure 54(b), the Court finds that there is no just reason for delay and that this is a final judgment.

**IT IS SO ORDERED AND ADJUDGED.**

Date: 7/11/11

  
Timothy S. Black  
United States District Judge

STIPULATED AND AGREED:

Dated: July 8, 2011

/s/ Kara A. Czanik

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